

Applicant: James W. Overbeck  
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## REMARKS

In response to the Restriction Requirement dated July 25, 2003, Applicant elects the invention of group I (claims 63-64 and 72-81), with traverse. As stated in the Office Communication, claim 62 is generic to groups I and II, and claims 65, 68-71 are to be examined together with claim 62. The traversal is made since all claims can be searched and examined at the same time.

Enclosed is a new claim 90 dependent on elected claim 72. Claim 90 is fully supported by the original specification and includes the last limitation recited in claim 82.

Regarding earlier prosecution, in the Office Action of December 2, 2002, the Examiner rejected claim 62 under 35 U.S.C. §102(b) as being anticipated by US Pat. 5,479,252 to Worster et al. As stated in the Response mailed April 2, 2003, Applicant respectfully disagrees with the earlier rejection of claim 62 for several reasons.

In U.S. Patent 5,479,252, Worster et al. disclose a system for inspection and analysis of a semiconductor wafer, as acknowledged by the Examiner. The Worster system includes a light source (201); a X-Y scanner (207); a turret (223) supporting a plurality of objective lenses (205) wherein a particular objective lens is able to select to insert into the optical path of the system; a stage (224) movable in three directions via a mechanism (216 - 218); a detection system (212) for detecting light from the wafer; a data processing system (213) for collecting and analyzing the data received by the detection system.

On the other hand, generic claim 62 (and Independent claim 72) is directed to a wide field of view scanner for delivering excitation light and detecting excited fluorescent light. The present scanner includes a scanning assembly for displacing an objective lens in a scanning motion, while the optical path provided by the displaced objective lens and the scanning assembly has a substantially constant length (i.e., the optical pathlength from the source and to the detector doesn't vary substantially).

There are fundamental differences between the present invention (claimed in independent claims 62, 72, and 82) and the teaching of Worster. Worster does not disclose a scanner for delivering excitation light and detecting the excited fluorescent

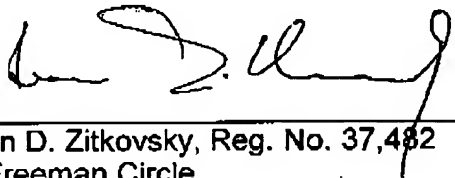
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light. Worster does not disclose a scanner with a scanning assembly for displacing an objective lens in a scanning motion. Actually, Worster teaches a stationary objective lens during scanning after the appropriate lens was selected from several lenses mounted on a turret. That is, during the scanning process, in the Worster system, the final lens is stationary and the irradiated substrate is displaced using a moving stage. Furthermore, the scanned object does not include biological material.

Accordingly, all pending claims are in condition for allowance and such action is respectfully requested. Please charge the PTO fee for new claim 90, and apply any other fees or credits to the Deposit Account No. 01-0431.

Respectfully submitted,



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